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Paper No. 9

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JUL 15 2002

OFFICE OF PETITIONS

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| In re Application of | : |
| John S. Bobo et al | : |
| Application No. 10/024,143 | : DECISION REFUSING STATUS |
| Filed: December 21, 2001 | : UNDER 37 CFR 1.47(a) |
| Attorney Docket No. 108774 | : |

This is in response to the petition under 37 CFR 1.47(a), filed June 17, 2002.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the nonsigning inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the nonsigning inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the nonsigning inventor. Applicant lacks item (2) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not set forth the citizenship of the nonsigning inventors. Further, neither the declaration nor the Application Data Sheet includes the residence and mailing address of the nonsigning inventors. Accordingly, a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-

inventors on behalf of themselves and on behalf of the nonsigning inventors is **REQUIRED**. See MPEP 409.03(a). All the co-inventors must sign the new declaration that lists the nonsigning inventors' citizenship because they are attesting that this information is true to the best of their knowledge.

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47(a) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
P.O. Box 2327
Mailstop DAC
Arlington, VA 22202

OR

Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.


Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy